

19 APR 2007

**TRANSMITTAL  
FORM**Legal Staff  
International Division

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

26

Application Number

10/509,036

Filing Date

September 27, 2004

First Named Inventor

Stuart M. PITSON

Art Unit

Not Yet Assigned

Examiner Name

Not Yet Assigned

Attorney Docket Number

229752003700

**ENCLOSURES (Check all that apply)**☒ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/  
Incomplete Application☐ Reply to Missing Parts under  
37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☒ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ Landscape Table on CD☐ After Allowance Communication  
to TC☐ Appeal Communication to Board of  
Appeals and Interferences☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please  
Identify below):Return Receipt Post Card  
Copy of Notification of Missing  
Requirements dated 3/8/05  
Executed Declaration

Remarks

Statement Pursuant to 37 CFR 1.821(f)  
Paper Copy of Sequence Listing  
Computer-Readable Disk of Sequence Listing  
Recordation Form cover sheet  
Executed Assignment**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

MORRISON &amp; FOERSTER LLP

Signature



Printed name

Adam Keser

Date

April 16, 2007

Reg. No.


54,217

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <b>FEE TRANSMITTAL</b> <b>For FY 2007</b>		<b>Complete if Known</b>	
		Application Number	10/509,036
		Filing Date	September 27, 2004
		First Named Inventor	Stuart M. PITSON
		Examiner Name	Not Yet Assigned
		Art Unit	Not Yet Assigned
		Attorney Docket No.	229752003700
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT	(\$)	1,500.00	

<b>METHOD OF PAYMENT (check all that apply)</b>	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account            Deposit Account Number: <u>03-1952</u> Deposit Account Name: <u>Morrison &amp; Foerster LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
						Small Entity	
<b>Fee Description</b>						<b>Fee (\$)</b>	<b>Fee (\$)</b>
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
<b>Total Claims</b>		<b>Extra Claims</b>		<b>Fee (\$)</b>		<b>Fee Paid (\$)</b>	
_____ - 20 = _____		x _____		= _____			
HP = highest number of total claims paid for, if greater than 20.							
<b>Indep. Claims</b>		<b>Extra Claims</b>		<b>Fee (\$)</b>		<b>Fee Paid (\$)</b>	
_____ - 3 = _____		x _____		= _____			
HP = highest number of independent claims paid for, if greater than 3.							
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<b>Total Sheets</b>		<b>Extra Sheets</b>		<b>Number of each additional 50 or fraction thereof</b>		<b>Fee (\$)</b>	
_____ - 100 = _____		/ 50		(round up to a whole number) x _____		= _____	
						<b>Fee Paid (\$)</b>	
<b>4. OTHER FEE(S)</b>							
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): 1453 Petition to revive unintentionally abandoned ...						1,500.00	

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	54,217
Name (Print/Type)	Adam Keser	Telephone	(703) 760-7301
		Date	April 16, 2007

04/18/2007 MKAYPAGH 00000101 031952 10509036

01 FC:1617 130.00 DA

va-201219

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**
**Docket Number (Optional)  
229752003700**
First named inventor: **Stuart M. PITSON**Application No: **10/509,036**Art Unit: **Not Yet Assigned**Filed: **September 27, 2004**Examiner: **Not Yet Assigned**Title: **METHOD OF MODULATING CELLULAR ACTIVITY****MS Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.

☒ Other than small entity – fee \$ 1,500.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in

the form of Response to Notice to File Missing Requirements (identify type of reply):

☐ has been filed previously on \_\_\_\_\_

☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_

☐ is enclosed herewith.

04/18/2007 MKAYPAGH 00000101 031952 10509036

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

April 16, 2007

Date

Adam Keser

Typed or printed name

54,217

Registration Number, if applicable

MORRISON & FOERSTER LLP  
1650 Tysons Blvd, Suite 400  
McLean, Virginia 22102

Address

(703) 760-7301

Telephone Number

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: \_\_\_\_\_



UNITED STATES PATENT AND TRADEMARK OFFICE

BEB/MRS

MORRISON &amp; FOERSTER LLP

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.

✓ 10/509,036

FIRST NAMED APPLICANT

Stuart M Pitson

ATTY. DOCKET NO.

✓ 229752003700

INTERNATIONAL APPLICATION NO.

PCT/AU03/00388

I.A. FILING DATE

03/28/2003

PRIORITY DATE

03/28/2002

25227

MORRISON & FOERSTER LLP  
1650 TYSONS BOULEVARD  
SUITE 300  
MCLEAN, VA 22102

CONFIRMATION NO. 1337

371 FORMALITIES LETTER



\*OC000000015374062\*

Date Mailed: 03/08/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/27/2004
- Copy of the International Search Report filed on 09/27/2004
- Copy of IPE Report filed on 09/27/2004
- Biochemical Sequence Listing filed on 09/27/2004
- Request for Immediate Examination filed on 09/27/2004
- U.S. Basic National Fees filed on 09/27/2004
- Priority Documents filed on 09/27/2004

DOCKETED

REMARKS

DUE DATE

FINAL DUE DATE

✓ Miss Reg Due  
4/8/05  
5/8/05  
10/8/05

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

The following items **MUST** be furnished within the period set forth below:

ms  
7/27/06

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e) and PCT Rule 13ter.1(a)(ii).
  - APPLICANT MUST PROVIDE:
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/509,036	PCT/AU03/00388	229752003700

PATENT  
Docket No.22975-20037.00

### DECLARATION FOR UTILITY PATENT APPLICATION

AS BELOW-NAMED INVENTORS, WE HEREBY DECLARE THAT:

Our residences, post office addresses, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: **A METHOD OF MODULATING CELLULAR ACTIVITY**, the specification of which is attached hereto unless the following box is checked:

☒ [X] was filed on 28 March 2003 as United States Application Serial No. and as PCT International Application No. PCT/AU03/00388

WE HEREBY STATE THAT WE HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
PS1448/02	Australia	28 March 2002	yes
PS1538/02	Australia	5 April 2002	yes
PS1621/02	Australia	8 April 2002	yes
2002951668	Australia	19 September 2002	yes
2003900230	Australia	21 January 2003	yes

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
*	

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
PCT/AU03/00388	28 March 2003	<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

We hereby appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Lisa A. Amii (Reg No. 48,199)	Randolph Ted Apple (Reg No. 36,429)
Mehran Arjomand (Reg No. 48,231)	Laurie A. Axford (Reg No. 35,053)
Sanjay S. Bagade (Reg No. 42,280)	Erwin J. Basinski (Reg No. 34,773)
Shantanu Basu (Reg No. 43,518)	Richard R. Batt (Reg No. 43,485)
Vincent J. Belusko (Reg No. 30,820)	Jonathan Bockman (Reg No. 45,640)
Kimberly A. Bolin (Reg No. 44,546)	Barry E. Bretschneider (Reg No. 28,055)
Tyler S. Brown (Reg No. 36,465)	Nicholas Buffinger (Reg No. 39,124)
A. Randall Camacho (Reg No. 46,595)	Mark R. Carter (Reg No. 39,131)
Robert K. Cerpa (Reg No. 39,933)	Peng Chen (Reg No. 43,543)
Alex Chartove (Reg No. 31,942)	Thomas Chuang (Reg No. 44,616)
Thomas E. Ciotti (Reg No. 21,013)	Cara M. Coburn (Reg No. 46,631)
Matthew M. D'Amore (Reg No. 42,457)	Raj S. Davé (Reg No. 42,465)
Peter Davis (Reg No. 36,119)	David Devernore (Reg No. 50,128)
Karen B. Dow (Reg No. 29,684)	Stephen C. Durant (Reg No. 31,506)
Carolyn A. Favorito (Reg No. 39,183)	David L. Fehrman (Reg No. 28,600)
Hector Gallegos (Reg No. 40,614)	Thomas George (Reg No. 45,740)
Deborah S. Gladstein (Reg No. 43,636)	Debra J. Glaister (Reg No. 33,888)
Kenneth R. Glick (Reg No. 28,612)	Bruce D. Grant (Reg No. 47,608)
Johney U. Han (Reg No. 45,565)	Douglas G. Hodder (Reg No. 41,840)
Alan S. Hodes (Reg No. 38,185)	Charles D. Holland (Reg No. 35,196)
Kelvan P. Howard (Reg No. P48,999)	Peter Hsieh (Reg No. 44,780)
Jill A. Jacobson (Reg No. 40,030)	Wayne Jaeschke, Jr. (Reg No. 38,503)
Madeline I. Johnston (Reg No. 36,174)	Parisa Jorjani (Reg No. 46,813)
Ararat Kapouytian (Reg No. 40,044)	Richard C. Kim (Reg No. 40,046)
Cameron A. King (Reg No. 41,897)	Lawrence B. Kong (Reg No. P49,043)
Kawai Lau (Reg No. 44,461)	Glenn Kubota (Reg No. 44,197)
Rimas T. Lukas (Reg No. 46,451)	Michael J. Mauriel (Reg No. 44,226)
Gladys H. Monroy (Reg No. 32,430)	Philip A. Morin (Reg No. P-45,926)
Kate H. Murashige (Reg No. 29,959)	Mabel Ng (Reg No. P48,922)

Martin M. Noonan (Reg No. 44,264)  
 Phillip Reilly (Reg No. 41,415)  
 Debra A. Shetka (Reg No. 33,309)  
 Kevin R. Spivak (Reg No. 43,148)  
 Thomas L. Treffert (Reg No. P48,279)  
 Michael R. Ward (Reg No. 38,651)  
 Todd W. Wight (Reg No. 45,218)  
 Frank Wu (Reg No. 41,386)  
 Peter J. Yim (Reg No. 44,417)  
 Karen R. Zachow (Reg No. 46,332)

Catherine M. Polizzi (Reg No. 40,130)  
 Robert E. Scheid (Reg. No. 42,126)  
 Terri Shieh-Newton (Reg No. 47,081)  
 Stanley H. Thompson (Reg No. 45,160)  
 Brenda J. Wallach (Reg No. 45,193)  
 E. Thomas Wheelock (Reg No. 28,825)  
 Eric Witt (Reg No. 44,408)  
 David T. Yang (Reg No. 44,415)  
 George C. Yu (Reg No. 44,418)


Please direct all communications to:

1650 Tysons Boulevard, Suite 300  
 McLean, Virginia 22102

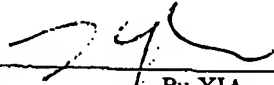
Please direct all telephone calls to **Barry E. Bretschneider** at (703) 760-7743

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


\* 30/11/04  
 Date

  
 Name: Stuart M. PITSON  
 Residence: 1B Threlfall Avenue, Norwood, South Australia 5067, Australia  
 Citizenship: Australia  
 Post Office Address: "same as above"

\* 12/11/04  
 Date

  
 Name: Pu XIA  
 Residence: 97 Shakespeare Avenue, Magill, South Australia 5072, Australia  
 Citizenship: Australia  
 Post Office Address: "same as above"

\* 30.11.04  
 Date

  
 Name: Paul A. MORETTI  
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 Citizenship: Australia  
 Post Office Address: "same as above"

13 Dec 2004 1:36PM

MEDVET IP OFFICE

08 9228 3411

P.11

21.12.04

Date

X

*Julia Zebal.*

Name:

Residence:

Citizenship:

Post Office Address:

Julia R. VERWEY ZEBOL Tg 21.12.04

29 Highfield Drive, Hillbank, South Australia 5119, Australia

Australia

16/16 Rocky Rd, South Yarra, Victoria, 3141.

"same as above"

8 211201 AUSTRALIA

30/11/04

Date

X

Name:

Residence:

Citizenship:

Post Office Address:

Mathew A. VADAS

8 Branch Road, Strirling, South Australia 5152, Australia

Australia

X

Date

X

Name:

Residence:

Citizenship:

Post Office Address:

Brian W. WATTENBERG

Brown Cancer Centre, 529 S. Jackson Street, Louisville,

Kentucky 40202, United States

Australia

Date

Name:

Residence:

Citizenship:

Post Office Address:

x

Date

x

Name: Julia R. VERWEY  
Residence: 27 Highfield Drive, Hillbank, South Australia 5112, Australia  
Citizenship: Australia  
Post Office Address: "same as above"

30/11/04

Date

x

Name: Mathew A. VADAS  
Residence: 8 Branch Road, Stirling, South Australia 5152, Australia  
Citizenship: Australia  
Post Office Address:

x

Date

x

Name: Brian W. WATTENBERG  
Residence: Brown Cancer Centre, 529 S. Jackson Street, Louisville,  
Kentucky 40202, United States  
Citizenship: Australia  
Post Office Address:

Date

Name:  
Residence:  
Citizenship:  
Post Office Address:

Dec 2004 8:02AM MEDVET IP OFF DE

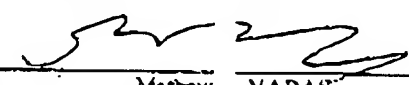
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P. 11

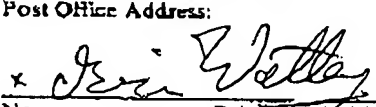
X  
Date

X  
Name: Julia R. ERWEY  
Residence: 27 Highfield Drive, Hillbank, South Australia 5112, Australia  
Citizenship: Australian  
Post Office Address: "same as above"

X 30/11/04  
Date

X   
Name: Mathew VADAS  
Residence: 8 Branciford Road, Stirling, South Australia 5152, Australia  
Citizenship: Australian  
Post Office Address:

X 6/12/04  
Date

X   
Name: Brian W. NATTENBERG  
Residence: Brown Center Centre, 529 S. Jackson Street, Louisville, Kentucky 40202, United States  
Citizenship: Australian  
Post Office Address:

Date

Name:  
Residence:  
Citizenship:  
Post Office Address:

Docket No. 22975-20037.00  
Application No.

Docket No.: 229752003700  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

In re Patent Application of:  
Stuart PITSON et al.

Application No.: 10/509,036

Confirmation No.: 1337

Filed: September 27, 2004

Art Unit: Not Yet Assigned

For: METHOD OF MODULATING CELLULAR  
ACTIVITY

---

Examiner: Not Yet Assigned

**STATEMENT PURSUANT TO 37 CFR 1.821(f)**

Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements mailed on March 8, 2005, the undersigned hereby states that the content of the attached paper copy of the sequence listing and the computer readable copy of the sequence listing submitted in accordance with 37 C.F.R. §§ 1.821-1.825, are identical. The submission includes no new matter.

Applicants request consideration and entry of the Sequence Listing paper copy and computer readable copy. Pursuant to 37 C.F.R. 1.77, please enter the paper copy of the Sequence Listing after the Abstract.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and

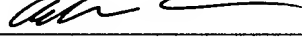
Application No.: 10/509,036

Docket No.: 229752003700

authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **229752003700**.

Dated: April 16, 2007

Respectfully submitted,

By   
Adam Keser  
Registration No.: 54,217  
MORRISON & FOERSTER LLP  
1650 Tysons Blvd, Suite 400  
McLean, Virginia 22102  
(703) 760-7301

## SEQUENCE LISTING

<110> Medvet Science Pty Ltd

<120> A Method of Modulating Cellular Activity

<130> 12185280/TDO

<150> 2003900230

<151> 2003-01-21

<150> 2002951668

<151> 2002-09-19

<150> PS1448

<151> 2002-03-28

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<151> 2002-04-05

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29

RECORDATION FORM COVER SHEET

PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies):

Stuart M. PITSON (11/30/2004), Pu XIA  
(11/30/2004), Paul A. MORETTI (11/30/2004),  
Julia R. ZEBOL (12/21/2004),

Additional name(s) of conveying party(ies) attached? ☒ Yes ☐ No

2. Name and address of receiving party(ies)

Name: Medvet Science Pty Ltd.

Internal Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

38 Payneham Road  
Stepney, South Australia 5069  
Australia

City: \_\_\_\_\_

State: \_\_\_\_\_

Country: \_\_\_\_\_ Zip: \_\_\_\_\_

Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance/Execution Date(s):

Execution Date(s): in parentheses after inventor name

☒ Assignment ☐ Merger ☐ Change of Name

☐ Security Agreement ☐ Joint Research Agreement

☐ Government Interest Assignment

☐ Executive Order 9424, Confirmatory License

☐ Other \_\_\_\_\_

4. Application or patent number(s):

A. Patent Application No.(s)

10/509,036

☐ This document is being filed together with a new application.

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address to whom correspondence concerning document should be mailed:

Name: Barry E. Bretschneider  
MORRISON & FOERSTER LLP

Internal Address: Atty. Dkt.: 229752003700

Street Address: 1650 Tysons Blvd, Suite 300

City: McLean

State: VA Zip: 22102

Phone Number: (703) 760-7743

Fax Number: (703) 760-7777

Email Address: BBretschneider@mofo.com

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 1.21(h) & 3.41) \$ 40.00

☐ Authorized to be charged by credit card

☒ Authorized to be charged to deposit account

☐ Enclosed

☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers \_\_\_\_\_  
Expiration Date \_\_\_\_\_

b. Deposit Account Number 03-1952  
Authorized User Name Barry E. Bretschneider

9. Signature:



Signature

April 16, 2007

Date

Adam Keser - 54,217

Name of Person Signing

Total number of pages including cover sheet, attachments, and documents:

6

RECORDATION FORM COVER SHEET  
(continued)

## Additional Conveying Party(ies)/Execution Date(s) (1. Continued):

Mathew A. VADAS (11/30/2004), and Brian W. WATTENBERG (12/6/2004)

## Additional Assignees (2. Continued):

Assignee Name: \_\_\_\_\_

Internal Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Country: \_\_\_\_\_ Zip: \_\_\_\_\_

Assignee Name: \_\_\_\_\_

Internal Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Country: \_\_\_\_\_ Zip: \_\_\_\_\_

Assignee Name: \_\_\_\_\_

Internal Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Country: \_\_\_\_\_ Zip: \_\_\_\_\_

## Additional Applications and/or Patents (4. Continued):

Additional Patent Application Numbers  
4A. Continued:Additional Patent Numbers  
4B. Continued:

Additional numbers attached?

☐

Yes

☐

No

US  
PATENT

Attorney Docket No. 22975-20037.00

## ASSIGNMENT

WHEREAS, I/WE

**Stuart M. PITSON**, an Australian citizen of 1B Threlfall Avenue, Norwood, South Australia 5067, Australia;**Pu XIA**, an Australian citizen of 97 Shakespeare Avenue, Magill, South Australia 5072, Australia;**Paul A. MORETTI**, an Australian citizen of 3 Railway Terrace South, Goodwood, South Australia 5034, Australia;**Julia R. VERWEY**, an Australian citizen of 27 Highfield Drive, Hillbank, South Australia 5112, Australia;**Mathew A. VADAS**, an Australian citizen of 8 Branch Road, Stirling, South Australia 5152, Australia;**Brian W. WATTENBERG**, an Australian citizen of Brown Cancer Centre, 529 S. Jackson Street, Louisville, Kentucky 40202, United Stateshereinafter referred to as Assignor (collectively if more than one inventor is listed above), have invented certain new and useful improvements in **A method of modulating cellular activity**

the specification of which:

- (a) ☐ was executed on even date herewith;
- (b) ☐ was filed on \_\_\_\_\_ as ☐ Application No. \_\_\_\_\_ or ☐ Express Mail No., as Application No. not yet known \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable); or
- (c) ☒ was described and claimed in PCT International Application PCT/AU03/00388 filed on 28 March 2003 and as amended under PCT Article 19 on \_\_\_\_\_ (if any) and/or under PCT Article 34 on \_\_\_\_\_ (if any).


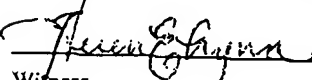
AND WHEREAS, **38 Payneham Road, Stepney, South Australia 5069,**  
**Medvet Science Pty Ltd, of 20 Dalgleish Street, Thebarton, South Australia 5031, Australia - Australia**

(hereinafter referred to as Assignee) desires to acquire the entire rights, title, and interest in and to the said improvements with respect to the United States of America, its territories and possessions.

NOW, THEREFOR, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby acknowledges that it has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title, and interest in the United States of America, and its territories and possessions in, to and under said improvements, and any Patent Applications in the United States of America and all divisions, renewals and continuations thereof, and all Patents of the United States of America which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions; and Assignor hereby authorizes and requests the Commissioner of Patents of the United States of America to issue all Patents for said improvements to Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.


AND ASSIGNOR HEREBY covenants and agrees that it will communicate to Assignee, its successors, legal representatives and assigns, any facts known to it respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid Assignee, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in the United States of America.

IN TESTIMONY WHEREOF, Assignor intending to be legally bound has hereunto affixed its signature.

X This 30<sup>th</sup> day of November, 2004X   
Signature of **Stuart M. PITSON**X   
Witness

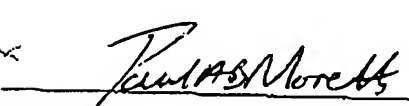
US  
PATENT  
Attorney Docket No. 22975-20037.00

X This 30 day of November, 2004

  
\_\_\_\_\_  
Signature of Paul A. MORETTI

  
\_\_\_\_\_  
Witness

This 30th day of NOVEMBER, 2004

X   
\_\_\_\_\_  
Signature of Paul A. MORETTI

X   
\_\_\_\_\_  
Witness

X This \_\_\_\_\_ day of \_\_\_\_\_, 2004

X \_\_\_\_\_  
\_\_\_\_\_  
Signature of Julia R. VERWEY

X \_\_\_\_\_  
\_\_\_\_\_  
Witness

X This 30th day of NOVEMBER, 2004

X   
\_\_\_\_\_  
Signature of Mathew A. VADAS

X   
\_\_\_\_\_  
Witness

13 Dec 2004 1:35PM

MEDVET IP OFFICE

08 8222 3411

P. 3

US  
PATENT  
Attorney Docket No. 22975-20037.00

X This 30 day of November, 2004

X *[Signature]*  
Witness

X *[Signature]*  
Signature of PAUL A.

X This 30th day of NOVEMBER, 2004

X *N. Allen*  
Witness

X *[Signature]*  
Signature of PAUL A. MORETTI

X This 21st day of December, 2004

X *[Signature]*  
Witness

X *Julia Zebol*  
Signature of JULIA R. VERNEY  
ZEBOL 21.12.04

X This 30th day of NOVEMBER, 2004

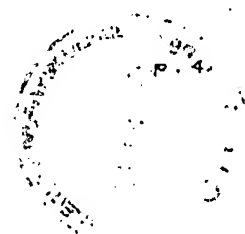
X *d. Mitochka*  
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X *[Signature]*  
Signature of Matthew A. VADAS

1 Dec 2004 7:55AM MEDVET IP OFF CE

08 0222 3411

US  
PATENT  
Attorney Docket No. 22975-20037.00



X This 6 day of December, 2004

X Nancy J. Rosberry  
Witness

X Brian W. Wapenberg  
Signature of Brian W. WAPENBERG

This \_\_\_\_\_ day of \_\_\_\_\_, 2004

Witness

Signature of

This \_\_\_\_\_ day of \_\_\_\_\_, 2004

Witness

Signature of

This \_\_\_\_\_ day of \_\_\_\_\_, 2004

Witness

Signature of